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Dated: August 25, 2009

Signature: /David A. Gass #38,153/
(David A. Gass)

Docket No.: 28079/41333
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Kenneth A. Barton et al.

Application No.: 07/827,906

Confirmation No.: 3375

Filed: January 30, 1992

Art Unit: 1638

For: IMPROVED EXPRESSION OF GENES IN
PLANTS

Examiner: A. R. Kubelik

INFORMATION DISCLOSURE STATEMENT (IDS)

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the Applicant requests that the Patent and Trademark Office consider the documents listed on the attached PTO/SB/08 during the prosecution of this application. The document are already of record in the interference proceeding in which this application was involved.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Office Action or Notice of Allowance (37 CFR 1.97(c)).

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention.

Please charge our Credit Card in the amount of \$180.00 covering the fee set forth in 37 CFR 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 13-2855, under Order No. 28079/41333.

Dated: August 25, 2009

Respectfully submitted,

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